

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN ELLIS,

Plaintiff,

vs.

UNITED AIRLINES, INC.,

Defendant.

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Case No. 23 C 123

**ORDER DENYING MOTION FOR LEAVE TO AMEND
AND DIRECTING ENTRY OF JUDGMENT**

For the reasons stated below, the Court denies plaintiff's motion for leave to file a second amended complaint [31] and directs the Clerk to enter judgment as follows: Judgment is entered in favor of defendant United Airlines, Inc. and against plaintiff John Ellis.

Statement

The Court dismissed plaintiff John Ellis's amended complaint and advised that unless he filed a proposed second amended complaint that stated a viable claim, the Court would enter judgment against him. Mr. Ellis has filed a motion for leave to amend and has included a proposed second amended complaint.

In his second amended complaint, Mr. Ellis does not include any new factual allegations that affect in any material way the grounds on which the Court dismissed his amended complaint. Rather, Mr. Ellis's key contention is that the Court got it wrong. That may provide him a viable basis for appeal, but it does not entitle him to file an amended complaint. The Court concludes that amendment would be futile for the reasons discussed in detail in its decision dismissing the amended complaint. The Court therefore denies Mr. Ellis's motion for leave to amend.

At this point, it is clear that Mr. Ellis cannot plead a viable federal claim—he has had at least two, or possibly three tries, depending on how one counts. There is no viable basis to believe that another do-over would change anything. The Court therefore directs the Clerk to enter judgment against him.

Date: October 18, 2023


MATTHEW F. KENNELLY
United States District Judge